

EXHIBIT 4

1 IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF OHIO
 2 EASTERN DIVISION

- - -

3 IN RE: NATIONAL : HON. DAN A.
 PRESCRIPTION OPIATE : POLSTER
 4 LITIGATION : MDL NO. 2804

:

5 This document relates to: : Case No. 17-MD-2804

:

6 The County of Summit, Ohio :
 Ohio et al. v. Purdue Pharma :
 7 L.P., et al., Case No. :
 17-OP-45004 :

:

8 The County of Cuyahoga v. :
 9 Purdue Pharma Purdue Pharma :
 L.P., et al., Case No. :
 10 18-OP-45090 :

:

- - -

12 Friday, May 10, 2019
 13 Volume II

14

- - -

15 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
 CONFIDENTIALITY REVIEW

16

- - -

17 Videotaped deposition of
 CRAIG J. MCCANN, Ph.D., CFA, taken pursuant
 18 to notice, was held at the law offices of
 Morgan Lewis & Bockius, 1111 Pennsylvania
 19 Avenue, NW Washington, DC 20004, beginning
 at 9:08 a.m., on the above date, before
 20 Amanda Dee Maslynsky-Miller, a Certified
 Realtime Reporter.

21

- - -

22

 GOLKOW TECHNOLOGIES, INC.
 23 877.370.3377 ph | 917.591.5672 fax
 deps@golkow.com

24

1 the manufacturers, the manufacturers
2 defendants could have monitored orders
3 from dispensers, primarily retail chain
4 and pharmacies.

5 You took six words out of
6 the middle of that sentence.

7 Q. And I apologize if I did. I
8 wasn't trying to mislead you.

9 So what I was getting at was
10 in the analysis you did, the work you
11 did, you didn't assess the chargeback
12 data that you had had access to, to
13 determine whether it was similar or
14 different from other chargeback materials
15 in the industry; is that fair to say?

16 A. Correct.

17 Q. Okay. You say there that if
18 you assume -- if you make the assumption
19 that we just discussed, that manufacturer
20 defendants could have monitored orders --

21 Do you see that?

22 A. I do.

23 Q. -- what basis -- on what
24 basis, if any, do you rely in making that

1 statement?

2 A. The chargeback data that I
3 reviewed includes information on
4 shipments to dispensers.

5 Q. You stated a few minutes ago
6 that you only used the chargeback data to
7 supplement your NDC code collection, so
8 to speak.

9 Do you remember that?

10 MR. MOUGEY: Objection.

11 BY MR. GALLAGHER:

12 Q. Do you remember that
13 testimony?

14 A. Correct.

15 Q. Is this an additional
16 opinion or conclusion that you have
17 reached relating to chargeback
18 information?

19 A. No, I don't think so. It's
20 just describing what I observed in the
21 chargeback data.

22 Q. Okay. If, hypothetically, a
23 manufacturer only had chargeback
24 arrangements that covered half of its

1 transactions with a distributor, how, if
2 at all, would that data allow a
3 manufacturer to identify flagged
4 transactions?

5 A. Well, that would be outside
6 Paragraph 19. Paragraph 19 assumes that
7 they received the chargeback data for all
8 sales of all opioids they shipped to
9 other manufacturers and distributors.

10 So I think you're suggesting
11 an alternative fact pattern than I laid
12 out in Paragraph 19. And in your
13 alternative -- I don't know, I just have
14 to think about it. It's not something
15 that I thought about before this.

16 Q. Before me talking to you
17 today?

18 A. Correct. It wasn't relevant
19 to anything I did.

20 Q. So the only opinion or
21 conclusion you've reached is that -- is
22 what's stated here, that if you assume a
23 manufacturer has chargeback data
24 essentially for all of its transactions,

1 that it could be used to monitor flagged
2 transactions, and beyond that set of
3 facts and that assumption, you have not
4 done any work?

5 A. On the chargeback data,
6 other than to pull the NDCs that were not
7 already identified by the labeler code,
8 yes.

9 Q. Does chargeback -- who told
10 you to make the assumption that's stated
11 there about chargeback data that you just
12 read?

13 A. No one. It's just a logical
14 conclusion, I think. And it was just
15 something that I wrote about the
16 chargeback data.

17 Q. Why did you think you should
18 be writing in your report about the
19 ability to monitor flagged transactions
20 using chargeback data? Why did that get
21 into your brain?

22 A. Although it doesn't directly
23 impact, it's not required for the later
24 discussion of attributing flagged orders

1 to manufacturers or assuming
2 manufacturers had access to information
3 on all of the shipments of their drugs by
4 distributors to dispensers, it might be
5 useful context. It's not required --
6 it's not a required assumption for the
7 calculations I do later, but I thought it
8 was useful context.

9 Q. For your algorithms?

10 A. Correct.

11 Q. Did you write that part of
12 your report?

13 A. I did. Every word of it.

14 Q. And the assumption you made
15 on your own, without being told to make
16 that assumption by a lawyer or anybody
17 else?

18 A. Correct.

19 Q. Do you have any idea whether
20 that assumption in the real world is
21 accurate?

22 A. No.

23 Q. Have you looked at what any
24 given manufacturer actually does with its

1 chargeback data?

2 A. No.

3 Q. Have you assessed the
4 sufficiency of what any manufacturer does
5 with chargeback data, in terms of
6 identifying any downstream transactions?

7 A. No.

8 Q. Do you intend to opine on
9 that topic in this case?

10 A. Not unless the court asks me
11 or if there's some other development that
12 I'm not currently contemplating. Not --
13 certainly not as I sit here.

14 Q. So that assumption was not
15 supported by any work or analysis you did
16 with underlying chargeback materials,
17 correct?

18 A. There's two assumptions in
19 that very long sentence, and you can tell
20 I wrote it because it's so long.

21 But I'm not sure which
22 assumption now you're referring to.
23 There's two.

24 One is saying that it's